

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

INNOVATIVE GLOBAL SYSTEMS LLC,  
Plaintiff,

v.

VOLVO CONSTRUCTION EQUIPMENT  
NORTH AMERICA, INC., VOLVO  
TRUCKS NORTH AMERICA, INC.,  
KOMATSU AMERICA CORP.,  
CATERPILLAR INC., HYUNDAI  
CONSTRUCTION EQUIPMENT  
AMERICAS, INC., TOPCON TIERRA,  
STARTRAK SYSTEMS, LLC, WIRELESS  
MATRIX USA, LLC, JLG INDUSTRIES  
INC., TYLER TECHNOLOGIES, INC.,  
GEOTAB, INC., and NAVISTAR, INC.  
Defendants.

Case No. 6:10-CV-00327-LED

**OBJECTION AND RESPONSE BY  
VOLVO CONSTRUCTION EQUIPMENT  
NORTH AMERICA, INC. AND VOLVO  
TRUCKS NORTH AMERICA, INC. TO  
PLAINTIFF'S REQUEST FOR A  
SCHEDULING CONFERENCE**

**JURY TRIAL DEMANDED**

Volvo Construction Equipment North America, Inc. and Volvo Trucks North America, Inc. (collectively, the "Volvo Defendants") respectfully submit this Objection in Response to Plaintiff's "Request that Case be Set for Scheduling Conference" (hereinafter "Plaintiff's Request").

The Volvo Defendants object to Plaintiff's Request for a Scheduling Conference because neither Volvo Defendant has filed an Answer to the Complaint (or has otherwise moved for dismissal or transfer). The Volvo Defendants sought and obtained an extension of time to respond to the Complaint until September 30, 2010. *See* Docket Nos. 82 and 83; *see also* Plaintiff's Request at ¶ 2, Docket No. 104. These extensions were unopposed by Plaintiff.

Moreover, the Court's Order of July 27, 2010 specifically directs the Plaintiff to file a notice that the case is ready for a scheduling conference:

**when all** of the Defendants have either answered or filed a motion to transfer or dismiss. The notice shall be filed within five days of the last remaining Defendant's answer or motion.

Order of July 27, 2010, Docket No. 33 (emphasis added). Plaintiff's Request openly violates this basic and clear order inasmuch as the opening paragraph of Plaintiff's Request admits that only "Ten of the twelve Defendants in this suit have filed answers... – all but the two Volvo defendants." *See* Plaintiff's Request, Docket No. 104 at ¶ 1.

Accordingly, the Court should reject Plaintiff's Request as premature, improper and in violation of the July 27, 2010 Order. Following the Volvo Defendants' response to the Complaint, Plaintiff can file an appropriate "notice that the case is ready for scheduling conference," because at that time, "all of the Defendants have either answered or filed a motion to transfer or dismiss." *See* Order of July 27, 2010, Docket No. 33.

September 13, 2010

Respectfully submitted,

/s/ Gregory V. Novak  
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Volvo Construction Equipment North  
America, Inc. and  
Volvo Trucks North America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this September 13, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Gregory V. Novak  
Gregory V. Novak